

AMENDED IN ASSEMBLY APRIL 24, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2410

Introduced by Assembly Member Fuentes

February 24, 2012

An act to ~~amend Section 13 of~~ *add Section 20* to the Elections Code, relating to elective office.

LEGISLATIVE COUNSEL’S DIGEST

AB 2410, as amended, Fuentes. ~~Legally qualified candidate:~~ *Elective office:* felony conviction.

Existing law prescribes various eligibility and procedural requirements for a person to become a candidate for elective office.

This bill would prohibit the consideration of a person as a candidate for, and would provide that the person is not eligible to be elected to, any elective office in this state if the election occurs within 20 years of the date upon which the person completes a sentence, including probation, for conviction of a felony that involved a conflict of interests, an act of fraud, dishonesty, a breach of a public trust, or money laundering. The bill would provide that “conviction of a felony” includes a conviction of a felony in this state and a conviction under the laws of any other state, the United States, or any foreign government or country of a crime that, if committed in this state, would be a felony, and for which the person has not received a pardon from the Governor of this state, the governor or other officer authorized to grant pardons in another state, the President of the United States, or the officer of the foreign government or country authorized to grant pardons in that foreign jurisdiction.

Existing law provides that a person is not a legally qualified candidate for any office, for party nomination for a partisan office, or for nomination to participate in the general election for any voter-nominated office unless the person has filed a declaration of candidacy or statement of write-in candidacy with the proper official for the particular election or primary, or is entitled to have his or her name placed on a general election ballot for a specified reason.

This bill, in addition, would provide that a person is not a legally qualified candidate for, and may not assume, any elective public office in this state if the person has been convicted in this state of a felony, or has been convicted under the laws of any other state, the United States, or any foreign government or country of a crime that, if committed in this state, would be a felony, and has not been pardoned by the Governor of this state, the governor or other officer authorized to grant pardons in another state, the President of the United States, or the officer of the foreign government or country authorized to grant pardons in that foreign jurisdiction.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 20 is added to the Elections Code, to
2 read:

3 20. (a) A person shall not be considered a candidate for, and
4 is not eligible to be elected to, any elective office in this state if
5 the election occurs within 20 years of the date upon which the
6 person completes a sentence, including probation, for conviction
7 of a felony that involved a conflict of interests, an act of fraud,
8 dishonesty, a breach of a public trust, or money laundering.

9 (b) For purposes of this section, “conviction of a felony”
10 includes a conviction of a felony in this state and a conviction
11 under the laws of any other state, the United States, or any foreign
12 government or country of a crime that, if committed in this state,
13 would be a felony, and for which the person has not received a
14 pardon from the Governor of this state, the governor or other
15 officer authorized to grant pardons in another state, the President
16 of the United States, or the officer of the foreign government or
17 country authorized to grant pardons in that foreign jurisdiction.

1 SECTION 1. ~~Section 13 of the Elections Code is amended to~~
2 ~~read:~~

3 ~~13. (a) A person is not a legally qualified candidate for any~~
4 ~~office, for party nomination for a partisan office, or for nomination~~
5 ~~to participate in the general election for any voter-nominated office,~~
6 ~~under the laws of this state, unless that person has filed a~~
7 ~~declaration of candidacy or statement of write-in candidacy with~~
8 ~~the proper official for the particular election or primary, or is~~
9 ~~entitled to have his or her name placed on a general election ballot~~
10 ~~by reason of having been nominated at a primary election, or~~
11 ~~having been selected to fill a vacancy on the general election ballot~~
12 ~~as provided in Section 8807, or having been selected as an~~
13 ~~independent candidate pursuant to Section 8304.~~

14 ~~(b) Nothing in this section shall be construed as preventing or~~
15 ~~prohibiting a qualified voter of this state from casting a ballot for~~
16 ~~any person by writing the name of that person on the ballot, or~~
17 ~~from having that ballot counted or tabulated, nor shall any~~
18 ~~provision of this section be construed as preventing or prohibiting~~
19 ~~a person from standing or campaigning for any elective office by~~
20 ~~means of a “write-in” campaign. However, nothing in this section~~
21 ~~shall be construed as an exception to the requirements of Section~~
22 ~~15341.~~

23 ~~(c) A person is not a legally qualified candidate for, and shall~~
24 ~~not be permitted to assume, any elective public office in this state~~
25 ~~if the person has been convicted in this state of a felony, or has~~
26 ~~been convicted under the laws of any other state, the United States,~~
27 ~~or any foreign government or country of a crime that, if committed~~
28 ~~in this state, would be a felony, and has not been pardoned by the~~
29 ~~Governor of this state, the governor or other officer authorized to~~
30 ~~grant pardons in another state, the President of the United States,~~
31 ~~or the officer of the foreign government or country authorized to~~
32 ~~grant pardons in that foreign jurisdiction.~~

33 ~~(d) It is the intent of the Legislature, in enacting this section, to~~
34 ~~enable the Federal Communications Commission to determine~~
35 ~~who is a “legally qualified candidate” in this state for the purposes~~
36 ~~of administering Section 315 of Title 47 of the United States Code.~~